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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,843	03/24/2004	Helmuth Gabl	ANDPAT/186/US	5476

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EXAMINER	
ROSENBAUM, MARK	
ART UNIT	**PAPER NUMBER**
3725	

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/807,843	GABL, HELMUTH	
	Examiner	Art Unit	
	Mark Rosenbaum	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) *1-6 and 27* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group II in the reply filed on 2/6/06 is acknowledged. The traversal is on the ground(s) that the Groups are closely related so that there is no search burden on the examiner. This is not found persuasive because the search for a press formed of rolls is much more specific than a search for a press formed by confronting surfaces. Thus there would be a search burden on the examiner if the Groups were examined together.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-9,11,22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sbaschnig et al. This patent discloses the basic apparatus including confronting roll surfaces compressing a pulp web.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10,13,14,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sbasschnig et al. The limitations of these claims would have been obvious design choices only once the basic apparatus was known. For example, the use of spikes to help feed material is well known in the art and of no patentable merit.

Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sbaschnigg et al as applied to claim 7 above, and further in view of Schiel et al. Sbaschnigg et al does not have a shoe for support which may result in incomplete compression. Schiel et al discloses similar apparatus including the use of a shoe. In order to ensure complete compression, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Sbaschnigg et al by providing a shoe with the roll, taught to be desirable by Schiel et al.

Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sbaschnigg et al as applied to claim 7 above, and further in view of Muellner et al. Sbaschnigg et al does not include grooves on the rolls which may result in incomplete compression. Muellner et al solves this problem by disclosing similar apparatus including the use of grooves on the rolls; see column 5. In order to ensure complete compression, it would have been obvious for one of ordinary skill in the art to modify Sbaschnigg et al by providing grooves on the rolls, taught to be desirable by Muellner et al. The exact configuration of the grooves would then have been an obvious design choice only based on several factors such as material being treated and desired end results.

Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sbaschnigg et al as applied to claim 7 above, and further in view of Holopainen. Sbaschnigg et al does not use a weave on his rolls to ensure complete compression. Holopainen solves this problem by disclosing similar apparatus including a moving weave to compress the material. In order to ensure complete compression, it would have been obvious for one of ordinary skill in the art to modify Sbaschnigg et al by providing a weave with the rolls, taught to be desirable by Holopainen. Note that wrapping the roll with the weave as opposed to using a belt with the weave would have been a design choice only since both systems would provide the same results i.e. compressing the material with a weave.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Rosenbaum whose telephone number is 571-272-4523. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Rosenbaum
Primary Examiner
Art Unit 3725

MR